

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0151-01  
Bill No.: SB 22  
Subject: Crimes and Punishment; Criminal Procedure; Boards, Commissions, Committees, Counsels; Department of Corrections  
Type: Original  
Date: March 17, 2003

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
General Revenue	(More than \$383,692)	(More than \$266,498)	(More than \$185,022)
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>(More than \$383,692)</b>	<b>(More than \$266,498)</b>	<b>(More than \$185,022)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
None			
<b>Total Estimated Net Effect on Other State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 5 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2004</b>	<b>FY 2005</b>	<b>FY 2006</b>
None			
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2004</b>	<b>FY 2005</b>	<b>FY 2006</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**FISCAL ANALYSIS**

**ASSUMPTION**

Officials from the **Office of the Governor, Missouri House of Representatives, Missouri Senate,** and the **Office of State Public Defender** assume the proposed legislation would have no fiscal impact on their agencies.

Officials from the **Office of State Courts Administrator** assume the proposed legislation would have no fiscal impact on the courts.

Officials from the **Office of Attorney General (AGO)** assume some costs could be incurred in handling death penalty cases during the moratorium. AGO assumes these costs would be negligible. AGO assumes costs could be absorbed within existing resources.

Officials from the **Department of Corrections (DOC)** assume the created commission and expenses for the study it performs will create an unknown cost in excess of \$100,000 per year it is in operation. It is unknown what conclusions will be drawn from the study and what fiscal impact those conclusions would have for the DOC for new offenders and those currently incarcerated.

ASSUMPTION (continued)

Currently, the DOC performs an average of five executions per year in accordance with state statute pursuant to sentence of the Courts. Offenders normally serve at least ten years prior to execution due to the appeals process. Current (FY01) operation costs for incarceration are \$44.80 per inmate, per day at a DOC maximum-security institution.

At this time, the DOC does not anticipate the need for additional beds as a consequence of passage of this proposal. It must be noted that the cumulative effect of various legislation, if passed as law, could result in the need for additional capital improvements funding if the total number of new offenders of those serving longer sentences exceeds current projected capacity. Estimated construction cost for one new maximum-security inmate bed is \$55,000. Utilizing this per-bed cost provides for a conservative estimate by the DOC, as facility start-up costs are not included and entire facilities and/or housing units would have to be constructed to cover the cost of housing new/additional commitments resulting from the cumulative effect of various new legislation, if adopted as statute.

In summary, due to the previously noted factors, the potential fiscal impact for the DOC is unknown, but expected to be significant or in excess of \$100,000 per year.

In response to a similar proposal from a previous session, officials from the **Office of Administration – Division of Budget and Planning (OA)** assumed that general revenue will provide funding for the Commission. OA further assumed that the commission would be staffed by an Executive Director (\$51,252) and a Clerk IV (\$26,460) in addition to the necessary expense and equipment for each position. It was assumed that the nine members will meet in Jefferson City four times each during FY 2002 and FY 2003, and twice during FY 2004 which will add travel and hearing-related expenses. It was assumed that the commission will contract for a study to analyze data as outlined in the proposal. OA assumed the cost of the study will be similar to that incurred for the sentencing study, or about \$130,000.

**Oversight** assumes DOC will incur similar personnel, expense, and equipment costs for this proposal because this proposal specifically creates the commission within the DOC.

<u>FISCAL IMPACT - State Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
<b>GENERAL REVENUE FUND</b>			
<u>Costs – Department of Corrections</u>			
Personal Service (2 FTE)	(\$66,379)	(\$81,646)	(\$41,845)
Fringe Benefits	(\$26,864)	(\$33,042)	(\$16,935)
Equipment and Expense	(\$190,449)	(\$51,810)	(\$26,242)
Incarceration costs	(More than <u>\$100,000</u> )	(More than <u>\$100,000</u> )	(More than <u>\$100,000</u> )
<u>Total Costs – DOC</u>	(More than <u>\$383,692</u> )	(More than <u>\$266,498</u> )	(More than <u>\$185,022</u> )
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>	<b>(More than <u>\$383,692</u>)</b>	<b>(More than <u>\$266,498</u>)</b>	<b>(More than <u>\$185,022</u>)</b>
 <u>FISCAL IMPACT - Local Government</u>			
	FY 2004 (10 Mo.)	FY 2005	FY 2006
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

The proposal would create a nine-member commission on the death penalty, within the Department of Corrections, to study all aspects of the death penalty as administered in Missouri. The commission would hold public hearings and review voluntary manslaughter, murder in the second degree, and murder in the first degree cases committed during or after 1977. The commission would report findings and recommendations in a report to the Governor, the General Assembly, and the Missouri Supreme Court by January 1, 2005. The commission would recommend changes to the death penalty laws to ensure adequacy of trial and appellate counsel, actual guilt of the defendant, elimination of race disparity, fair court procedures, and that prosecuting attorneys utilize similar criteria throughout the state in determining whether to seek the death penalty. No executions would take place during the commission's period of review,

between August 28, 2002 and January 1, 2005.

DESCRIPTION (continued)

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of Attorney General  
Office of State Courts Administrator  
Department of Corrections  
Office of the Governor  
Missouri House of Representatives  
Missouri Senate  
Office of State Public Defender



Mickey Wilson, CPA  
Director  
March 17, 2003